

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BERNADINE T. GRIFFITH)	
)	
)	
Plaintiff,)	
)	C.A. No. 03-CV-12573-EFH
v.)	
)	
ONEBEACON INSURANCE COMPANY,)	DEFENDANTS'
ONEBEACON AMERICA INSURANCE)	STIPULATION,
COMPANY, MICHAEL A. SISTO, and)	WITNESS LIST, &
KAREN ALLEN HOLMES)	STATEMENT OF
)	THE ISSUES TO BE TRIED
Defendants.)	
)	

Pursuant to the Court's Order of December 22, 2005, OneBeacon Insurance Company and OneBeacon America Insurance Company ("OneBeacon" or "Defendants") hereby submit its Stipulation, Statement of the Issues to be Tried, and Witness List. Defendants state that they made every effort to file a joint document with Plaintiff. Because the parties were unable to agree that any of the facts were uncontested or to narrow the issues to be tried, Defendants now file this separate Stipulation and Statement.

1. Uncontested Facts

Despite their best efforts, the parties were unable to identify any facts that were uncontested.

2. Defendants' Statement of the Issues to be Tried

1. Is Plaintiff a qualified individual under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”).
2. Assuming Plaintiff is a qualified individual under the ADA, was Plaintiff discriminated against by Defendants on the basis of her handicap in violation of the ADA?
3. Was Plaintiff discriminated against by Defendants on the basis of her race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 e-5(f)(1)(2) (“Title VII”)?
4. Did Plaintiff suffer retaliation in violation of the ADA by Defendants because she engaged in protected activity related to her disability?
5. Did Plaintiff suffer retaliation in violation of Title VII by Defendants because she engaged in protected activity related to her race?
6. Is OneBeacon liable for any economic loss resulting from Plaintiff’s termination?
7. Assuming OneBeacon is liable for economic loss resulting from Plaintiff’s termination, for what economic loss is OneBeacon liable?

3. Defendants' List of Witnesses

1. Bernadine Griffith
2. Karen Allen Holmes
3. Michael A. Sisto
4. Monica Scanlon
5. Suzanne Harris Walker

6. Tom Ford
7. Judy Volente
8. Joanne Murphy
9. Cathleen Moynihan
10. Lisa Studholme
11. Nancy Snyder
12. John Garrison, Ph.D.
13. Susan Moner, MD
14. Helen Tramposch, MD
15. Harvey Waxman, Ph.D.

Respectfully submitted,

ONEBEACON INSURANCE CO., and
ONEBEACON AMERICA INSURANCE CO.,

By its attorneys

Dated: May 1, 2006

/s/ Leah M. Moore
Keith B. Muntyan (BBO # 361380)
Leah M. Moore (BBO # 658217)
MORGAN, BROWN & JOY, LLP
200 State Street
Boston, MA 02109
617-523-6666 (phone)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), including counsel for Plaintiff, Kathleen J. Hill, Esq., Law Office of Kathleen J. Hill, 60 State Street, Suite 700, Boston, MA 02109, and paper copies will be sent to those indicated as non-registered participants on this 1st day of May 2006.

s/ Leah M. Moore
Leah M. Moore